

Application No. 10/553,207
Office Action dated October 2, 2006
Reply filed January 3, 2007 (Wed. after Govt. closing)

REMARKS

STATUS OF CLAIMS

In response to the Office Action dated October 2, 2006, claims 1, 4 and 8 have been amended, and claim 3 has been canceled. Claims 1, 2 and 4-8 are now pending in this application. No new matter has been added.

OBJECTION TO DISCLOSURE

The disclosure has been objected to for:

- a. Not having a brief description of each of Figs. 3A, 3B and 3C, etc.; and
- b. Using the symbol “...” on pages 11 and 12 to indicate a plurality of reference numbers without listing the reference numbers.

By this response, the specification has been amended to address the Examiner's objections. Consequently, withdrawal of the objection to the disclosure is respectfully solicited.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1-6 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Nagatomi et al. (USPN 6,219,508).

Claims 1-7 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Matoba (JP 2000-079739).

II. The rejections are respectfully traversed.

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In *ATD Corporation v. Lydall, Inc.*, 159 F.3d 534, 48 USPQ2d 1321 (Fed. Cir. 1998), the Federal Circuit noted that a patent is invalid for anticipation when the same device or method, having all of the elements and limitations contained in the claims, is described in a single prior art reference. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1235, 9 USPQ2d 1913, 1919 (Fed. Cir. 1989); *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 894, 221 USPQ 669, 673 (Fed. Cir. 1984). *An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention* (Emphasis Added). See *In re Spada*, 911 F.2d 705, 708, 15 USPQ2d 1655, 1657 (Fed. Cir. 1990); *Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 1566, 1567, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988).

Independent claims 1 and 8 each require, *inter alia*:

...an elastic force when the secured member in any one lock member set of the at least two lock member sets is secured to the bearing member is set to be greater than that of the other lock member set.

With regard to Nagatomi et al., the Examiner maintains in the last sentence of item 5 on page 3 of the Office Action, that “Bearing member 72 is accompanied by a spring and is additionally constructed of a different shape than bearing member 60; therefore the two members have a different elastic force”.

However, as noted in the present application, at page 12, lines 11-15:

...For example, the elastic force can be increased by increasing the thickness or width of the support arms 131a, ... or the support arms 141a, The securing force can be increased by increasing the projecting amount or the outer diameter of the convex portions 141b, ..., for example.

Thus, there are factors other than having a different shape or being provided with a spring that would affect elastic force. More specifically, it is possible for bearing member 72, accompanied by a spring and constructed of a different shape than bearing member 60, to have an elastic force that is identical to that of bearing member 60. Consequently, it cannot be said that it is inherent that bearing members 72 and 60 have different elastic force merely because bearing member 72 is accompanied by a spring and is additionally constructed of a different shape than bearing member 60.

Furthermore, no disclosure is provided in Nagatomi et al. regarding elastic force of bearing members 72 and 60, let alone that there is a difference in elastic force between bearing members 72 and 60. Without such disclosure, it cannot be said that Nagatomi et al. described the elastic force subject matter with sufficient clarity and detail to establish that difference in elastic force between bearing members 72 and 60 existed and that its existence was recognized by persons of ordinary skill in the field of the invention.

Therefore, anticipation has not been established as the Examiner has not established that each element of independent claim 1 is found in Nagatomi et al., either expressly described or under principles of inherency. Consequently, claims 1-6 are patentable over Nagatomi et al.

With regard to Matoba, the Examiner maintains in the last sentence of item 12 on page 5 of the Office Action, that "Bearing members 1a and 1b are constructed of different shape than bearing members 21a and 22a; therefore the two members have a different elastic force". However, as with Nagatomi et al., no disclosure is provided in Matoba regarding elastic force of bearing members 1a and 1b, and bearing members 21a and 22a let alone that there is a difference in elastic force between bearing members 1a and 1b, and bearing members 21a and 22a. Without

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such disclosure, it cannot said that Matoba described the elastic force subject matter with sufficient clarity and detail to establish that difference in elastic force between bearing members 1a and 1b, and bearing members 21a and 22a existed and that its existence was recognized by persons of ordinary skill in the field of the invention

Therefore, similar to Nagatomi et al., anticipation has not been established as the Examiner has not established that each element of independent claims 1 and 8 is found in Matoba, either expressly described or under principles of inherency.

At any rate, to expedite prosecution, independent claim 1 has been amended to recite, *inter alia*:

..., wherein
..., and
the secured member, in the any one lock member set, secured to the bearing member with the greater elastic force is disposed at a substantially center position in a direction perpendicular to an opening and closing direction of the opening and closing member.

This limitation is a modification of the limitation of claim 3, now canceled, and is supported by page 4, lines 13-18 of the present application.

It is clear that neither Nagatomi et al. nor Matoba disclose or suggest that the secured member, in the any one lock member set, secured to the bearing member with the greater elastic force is disposed at a substantially center position in a direction perpendicular to an opening and closing direction of the opening and closing member. Therefore, claims 1, 2 and 4-7, as amended, are patentable over Nagatomi et al. and Matoba.

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III. Claims 7 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nagatomi et al. in view of Higeta et al. (USPN 5,485,249).

Higeta et al. does not remedy the deficiency of Nagatomi et al. noted above with respect to independent claim 1 or disclose the features now recited in amended independent claim 1. Consequently, claim 7, depending from amended independent claim 1, is patentable over Nagatomi et al. also, even when considered in view of Higeta et al.

Similar reasoning provided above with respect to why Nagatomi et al. does not disclose all the features of independent claim 1 applies to independent claim 8, which is rejected under 35 U.S.C. § 103, since the Examiner relies upon Nagatomi et al. as disclosing the same “different elastic force” feature that is recited in independent claim 1 (see last sentence of item 25 on page 8 of the Office Action). However, independent claim 8 has been amended similar to independent claim 1. Consequently, amended independent claim 8 is patentable over Nagatomi et al. and Higeta et al, considered alone or in combination.

IV. In view of the above, the allowance of claims 1, 2 and 4-8, as amended, is respectfully solicited.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to

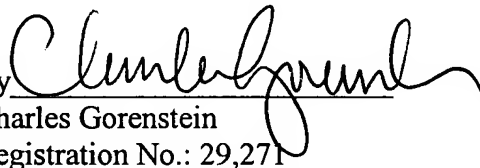
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expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: January 3, 2007

Respectfully submitted,

By 

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